

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE JAVIER FERNANDEZ, ELVIO TORIBIO,  
and ARIEL OVALLES,

19cv1862 (DLC)

: ORDER

Plaintiffs,

-v-

THE CITY OF NEW YORK, NEW YORK CITY  
POLICE DEPARTMENT, JAMES P. O'NEILL,  
Commissioner of the New York City  
Police Department, POLICE OFFICER  
JOSE CEPEDA, Shield #19206, SGT.  
AMADEO OKTROVA, Shield #26126, and  
NEW YORK CITY POLICE OFFICERS JOHN  
DOES (names and shield numbers of whom  
are presently unknown) and other  
unidentified members of THE NEW YORK  
CITY POLICE DPEARMENT,

Defendants.

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DATE FILED: 3/6/20

DENISE COTE, District Judge:

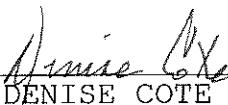
Having reviewed the defendants' letter of March 6, 2020, it  
is hereby

ORDERED that any opposition to defendants' motion to  
dismiss the claims of plaintiffs Elvio Toribio and Ariel Ovalles  
is due **March 13, 2020**. See Funk v. Belneftekhim, 861 F.3d 354,  
366 (2d Cir. 2017) ("In imposing Rule 37 sanctions . . . courts  
properly consider various factors, including (1) the willfulness  
of the non-compliant party or the reason for noncompliance; (2)  
the efficacy of lesser sanctions; (3) the duration of the period  
of noncompliance; and (4) whether the non-compliant party had

been warned of the consequences of noncompliance." (citation omitted)).

IT IS FURTHER ORDERED that any motion for summary judgment remains due **March 20.**

Dated: New York, New York  
March 6, 2020

  
DENISE COTE

United States District Judge